



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-1277, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claims of Davonne and Rich Jinks against the Metropolitan Government of Nashville and Davidson County in the amount of \$70,000.00 and that said amount be paid from the Self-Insured Liability Fund.

WHEREAS, on December 20, 2016, Davonne Jinks, an employee of Metropolitan Nashville Public Schools, attempted to sit in a chair at the Metro Student Attendance Center; the chair broke and caused Ms. Jinks personal injuries and Rich Jinks loss of consortium; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government and recommends that any and all claims or causes of action brought or that could have been brought by the Metropolitan Government of Nashville and Davidson County related to the events detailed above be compromised and settled for \$70,000.00, and that this amount be paid from the Self-Insured Liability Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the personal injury claim of Davonne and Rich Jinks for the sum of \$70,000.00 with said amount to be paid from the Self-Insured Liability Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

On December 20, 2016, Davonne Jinks, a compliance office for Metropolitan Nashville Public Schools (MNPS), was present in the Metro Student Attendance Center courtroom. Her position requires her to be present in the courtroom whenever there is a truancy docket. While in court, Ms. Jinks attempted to sit in her usual place in a wooden chair at the counsel table in the hearing room. As she sat, the chair's wooden top became separated from the frame, causing Ms. Jinks to fall to the floor. She was injured as a result of the fall.

At the time of Ms. Jinks's injury, there were four types of chairs in use in the hearing room. Prior to December 20, 2016, there were no reported problems with any of the chairs. Ms. Jinks never noticed any problems with the chairs. There was nothing visually apparent to what caused the chair to break, but as a precautionary measure, Juvenile Court Magistrate Jennifer Wade directed all like chairs be removed from use. The remaining chairs of this type were disposed of by janitorial staff.

Ms. Jinks reported her injury to her supervisor and an injury-on-duty (IOD) claim was initiated. She was evaluated at a clinic, where she reported injuries to her right wrist and right shoulder. She was diagnosed with a rotator cuff tear, which required surgery and physical therapy. Ms. Jinks also developed carpal tunnel

syndrome in her right wrist after the injury. Her medical experts attribute this to her injury. Her medical expenses total \$70,122 to date and have been paid under the MNPS IOD program.

Ms. Jinks is seeking non-economic damages including pain and suffering and loss of enjoyment of list, and her husband is pursuing a loss of consortium claim.

The Department of Law recommends settlement of all claims for \$70,000.

*Fiscal Note: This \$70,000 settlement, along with the settlement per Resolution Nos. RS2021-1294, and RS2021-1297 would be the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,022,807. The fund balance would be \$6,864,004 after these payments.*